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CHAPTER 78.**TRIBAL ADMINISTRATION (COLONY).**

An Ordinance to promote a system of administration by tribal authority among the tribes settled in Freetown and in other places within the Colony.

48 of 1932.
32 of 1933.
(Fifth
Sched.).
21 of 1935.

[1ST JANUARY, 1933.]

1. This Ordinance may be cited as the Tribal Administration (Colony) Ordinance. Short title.

Power of Governor to recognise Headman of tribes resident in Freetown.

2. (1) Whenever it shall be represented to the Governor by petition or other means, that the members of any tribe resident in Freetown possess a recognised Headman, who endeavours to enforce a system of tribal administration for the well-being of members of the tribe resident in, or temporarily staying in Freetown, it shall be lawful for the Governor to recognise such Headman as the headman of the members of such tribe resident in Freetown for the purposes of this Ordinance:

Provided that whenever such representation shall be made by or in respect of the members of a tribe who have not previously had any recognised Tribal Headman, the Governor shall not recognise any person as the Headman thereof unless or until—

(a) the matter has been referred to the City Council of Freetown for their report as to whether or not, in their opinion it is for the benefit of the City of Freetown and of the members of the tribe resident in Freetown that a Headman should be recognised, and

(b) a non-adverse report has been received from the City Council or, in the event of no report being received from the City Council, three months have elapsed from the date on which the matter was referred to the City Council.

Appointment of Headman without representation.

(2) The Governor may, in his discretion, recognise any person as the Headman of any members of a tribe resident in or temporarily staying in Freetown, who have previously had a recognised Tribal Headman. This power shall be exercisable notwithstanding that no representation may have been made or that a representation may have been made in favour of some other person.

Notification of recognition of Headman.

(3) When any Headman is recognised by the Governor, such recognition shall be announced by a notice published in the *Gazette* and may be revoked in the same manner.

Commission of Inquiry as to Tribal Headman.

3. If there is any doubt as to the person who is recognised as Headman by the members of any tribe to which the provisions of this Ordinance would otherwise apply, or if there is no person so recognised, the Governor may appoint a Commissioner (or Commissioners), under the Commissions of Inquiry Ordinance, to inquire and report to him what person, according to the customs and desires of the members of the tribe concerned, is deemed suitable, by the majority of such members, to be the Headman of the members of such tribe, and the report returned as the result of such inquiry shall be deemed a representation, otherwise than by petition, by such members, as to the person mentioned in such report, and such person may be recognised

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as Tribal Headman by the Governor, in accordance with the provisions of this Ordinance.

4. Every member of a tribe resident or temporarily staying in Freetown shall be subject to the recognised Tribal Headman of his tribe: Subjection to Tribal Headman.

Provided that nothing in this section contained shall affect the rights acquired by any member of a tribe before the commencement of this Ordinance.

5. (1) The Governor in Council may, if he thinks fit, make rules for the carrying out of the provisions of this Ordinance, and in particular and without prejudice to the generality of the foregoing power, for any of the following purposes— Power of Governor in Council to make rules.

(a) relief of the poor and sick among the members of the tribe;

(b) the burial of deceased members of the tribe and the administration of the estates of such members, the gross value of which does not exceed five pounds, and in so far as such administration does not affect the rights or claims of persons who are not members of the tribe:

Provided that nothing herein contained shall prevent a creditor of the deceased, not being a member of the tribe, from enforcing payment of his debt by action, administration proceedings, or application to the Official Administrator;

(c) the education of the children of members of the tribe;

(d) the contributions to be made by the members of the tribe towards the expenses of administration by the Tribal Headman, the relief of the poor and sick, the improvement of dwellings in Freetown belonging to members of the tribe, the burial of members, and any other matters with respect to which the Governor has authorised, or may authorise, contributions to be obtained from the members of the tribe;

(e) registration of births and deaths amongst members of the tribe;

(f) registration of members of the tribe resident in or temporarily staying in Freetown;

(g) the remuneration to be received by the Tribal Headman for his services;

(h) the constitution of a committee to advise the Tribal Headman;

(i) the custody and disbursements of moneys vested in or received by Tribal Headmen under this Ordinance, and the audit of accounts respecting the same; and

(j) any other purpose whatsoever, which, in the opinion of the Governor in Council, is for the benefit of the members of the tribe resident in Freetown generally or any section of them.

Application
of rules.

(2) All such rules when made shall apply generally to the members of every tribe who are, or may be, resident or staying in Freetown or any other part of the Colony to which the provisions of this Ordinance have been or may be applied under section 13, unless the application of the same or any part thereof is limited expressly therein to any particular tribe or class of person. Until such rules are made the rules prescribed in the Schedule shall be in force.

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(3) (a) Any person who acts in contravention of or fails to comply with any of the rules prescribed in the Schedule or made by the Governor in Council shall be guilty of an offence against this Ordinance. It shall be lawful for the Tribal Headman to summon such person before a Police Magistrate and such person shall on conviction be liable to a fine not exceeding five pounds, and in default of payment to a period of imprisonment with or without hard labour not exceeding two months.

(b) Every summons, warrant or other process or document applied for by a Tribal Headman in any case in respect whereof fees of court are payable shall be issued free of charge.

(4) Nothing in this Ordinance shall prevent a prosecution under any other law, provided that no person shall be punished twice for the same offence.

Inclusion of
number of
similar
offences in
same in-
formation.

6. (1) Notwithstanding the provisions of any law to the contrary it shall be lawful for a Tribal Headman to charge a member of a tribe with two or more offences committed at any time during the preceding twelve months in the same information or summons where such offences are solely the non-payment of any contributions to be made by him by virtue of any rules made under section 5 of this Ordinance, but when those offences are charged together the person charged shall not be liable to a separate penalty for each offence.

Power to
convict
although
every offence
not proved.

(2) A person may be convicted of an offence under section 5 (3) of this Ordinance notwithstanding that the Tribal Headman may have failed to prove to the satisfaction of the Magistrate

* The Schedule is printed in the volume containing the subsidiary legislation of this chapter.